

Bainbridge Township, Ohio
Board of Zoning Appeals
February 20, 2020

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:03 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Michael Corcoran and Mr. Joseph Gutoskey. Mr. Ted DeWater and Mr. Michael Lamanna were absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lewis welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. He let the record reflect that everyone had been duly sworn in. He also noted that two board members are absent tonight and one board member is en route.

Application 2019-44 by Kelly's Working Well Farm dba Chagrin Valley School for property at 16519 South Franklin Street - Continuance

The applicant is alleging error by the zoning inspector. The property is located in a R-3A District.

Motion BZA 2019-44 – 16519 South Franklin Street

Mr. Lewis moved to continue this application to the next regularly scheduled meeting to be held March 19, 2020.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. Gutoskey, aye; Mr. Lewis, aye.

Mr. Lewis recessed the meeting at 7:05 P.M.

Mr. Brent Barr, Alternate arrived at 7:08 P.M.

Mr. Lewis reconvened the meeting at 7:08 P.M.

Application 2020-4 by Daniel Schrickel for property at 17930 Elliott Drive

The applicant is requesting area variances for the purpose of allowing an existing house to be permitted as constructed. The property is located in a R-3A District.

Mr. Lewis noted that this application is for area variances on a residence that was built that was not in compliance with the approved plans.

Mr. Daniel Schrickel was present to represent this application.

Mr. Schrickel testified that he lives at 17930 Elliott Drive. He said he purchased his house this past summer and had a simple quick survey and at that point the side and front setback were off a couple of feet give or take and he had the opportunity at that time to purchase the house as is and accomplish this variance down the road in this fashion or have the existing owner take care of that and postpone the purchase of the house. He said after some conversation it was expressed that in theory this is much more of a housekeeping matter than it is a big picture concern and he felt comfortable at least in taking on this part of the process so he is coming to the board to request the variance, they have done nothing to the house, it is as it existed when it was built back in 1965, the deck was put on at some other time so he is asking for approval of the house as it was built on the lot based on how it was laid out and built in 1965.

Mr. Lewis said so maybe let's walk through the variances the applicant is requesting because the house is already built, it is not like we can really change where it is located. He said back when this was built the required frontage was 150' and the frontage of your lot is 140', currently the zoning code is 200' so we have some housekeeping on that to take a look at. He said the current minimum setback for the front yard, for the structure, it is 100' per our zoning code, you are at 117.5' but when this development was platted the required setback was 185' so we have some front yard housekeeping to do as well.

Mr. Schrickel said okay.

Mr. Gutoskey said in Pilgrim Village, in that older section, the setbacks varied by the lots and he is wondering if that is why this one was farther back on this lot because of the 150' width.

Ms. Karen Endres, Zoning Inspector testified that she thinks that is where it reached the 150' width that was required at that time for lot width.

Mr. Gutoskey asked if they showed it back that far on the original site plan because they only showed it back 120' originally.

Ms. Endres said 185' is what would have been required back in the day.

Mr. Gutoskey said he is looking at the plan they submitted.

Mr. Lewis said where it says setback from road right-of-way 120'.

Mr. Gutoskey said yes.

Ms. Endres said that is what was on the original application.

Mr. Gutoskey said and it was supposed to be 20' on the side.

Ms. Endres said the zoning inspector approved it even though it should have been 185' so the zoning inspector, she thinks, made a mistake back then, he didn't look at the plat or take into consideration the lot width at the building line.

Mr. Lewis said so from the variance he is working from the 185' back to 177.5'.

Ms. Endres said it is little confusing as to which one to apply because the setback complies with current zoning setbacks, it is just that the lot width doesn't reach the required lot width at the building line so there is probably a couple of different ways you can go at this variance.

Mr. Gutoskey said it looks like it hits 150 at about just behind the deck, just scaling the drawing.

Mr. Lewis said so we are sort of bouncing back and forth, are we applying 1961 code or current code.

Mr. Gutoskey said he thinks part of the reason they picked it up is because it violated the building line that showed on the subdivision plat.

Ms. Endres said her thought is if you give the variances based on all of today's requirements, if the house were to burn down and he wanted to rebuild on the same footprint he could do so without having to get variances.

Mr. Lewis said as it stands he is at 117' and our current is 100' so he doesn't need a front yard variance however he may in the motion just bake in that we are aware of the original 185' from 1961.

Ms. Endres said the lot width is 140' versus the current required 200' because of the size of the lot.

Mr. Lewis said let's just look at where this thing is with the side yards.

Mr. Gutoskey said it would need a variance on the left side too.

Mr. Schrickel asked if he said would or would not.

Mr. Lewis said at one point it is 45' and our requirement is 50' but in 1961 it was 20' and 20' so there again, two different tracks to go down, acknowledge 1961 at which point, even at 13-1/2', even in 1961 with 20' a variance would still be required at least on the east side.

Mr. Gutoskey said these lots don't go to the center of the road on this, these just go to the right-of-way line.

Mr. Lewis asked Mr. Schrickel if the board has missed anything.

Mr. Schrickel said as far as he understands it, he doesn't believe so.

Mr. Lewis said we have the width of the lot, front, rear and two sides and lot coverage as our lot coverage stands at 10% by our code.

Mr. Schrickel said so we cannot exceed 10%.

Mr. Lewis said yes.

Mr. Gutoskey said but the problem with this is again, the driveway is back a little farther.

Mr. Lewis asked Ms. Endres if that is what she came up with on ReaLink on lot coverage, 14.1% versus 10%, he thinks it was on item #5 on your summary sheet.

Ms. Endres said she probably calculated it using the ReaLink measurement tool and she would suggest maybe adding a little bit extra in case if they want to put a little shed on the property.

Mr. Gutoskey said as long as he gets a permit.

Mr. Lewis said or add a sidewalk or something, if you are going to do an accessory structure, he believes we are going to want you to visit us because you are already over the limit.

Mr. Schrickel asked if that includes the curved driveway being accounted for in that percentage.

Mr. Lewis said yes, hard surface and structures.

Mr. Gutoskey said the board may want to bump up the lot coverage to 15%.

Mr. Schrickel said it might be kind of nice if we want to add a shed.

Mr. Gutoskey asked if there is anyone in the audience that is interested in this item on the agenda.

There was no response.

Mr. Lewis said he will close the public hearing portion for this application.

Since there was no further testimony, this application was concluded.

Motion BZA 2020-4 – 17930 Elliott Drive

Mr. Lewis moved to grant the applicant the following area variances.

1. The required width of the lot was 150' in 1961 under which the zoning fell. Currently the required lot width is 200' however the applicant's home is at 140' at the building line so the board will grant the variance of 10' based on the 1961 zoning resolution and 60' based on the current resolution.
2. With respect to the front yard setback of 117.5', that does meet and exceed the current zoning code which is 100' but the board notes that at the time the house was built the subdivision was platted with a 185' setback requirement so the board will acknowledge the original subdivision setback and grant a variance of 67.5' so that the house is in compliance with the original platted subdivision and other than that to meet current code there would be no variance required.
3. With respect to the east side yard setback the current zoning requires 50', the house is at 13.5'. The zoning in 1961 required a 20' setback so either way whether the board applies the 50' setback that is current or the 20' setback per the 1961 code a variance is required because at 13.5' it is still less than what is approved. In applying 1961 standards the board will grant a 6.5' setback variance and applying current zoning, the board will grant a 36.5' side yard setback variance.
4. With respect to the side yard setback on the west side, the 1961 code was 20', the applicant's side yard setback currently is at 45' so if applying the 1961 code, no variance would be needed. If applying the current code of 50' the variance would be 5'. (The house was approved by the zoning inspector at that time.)
5. With respect to lot coverage, it was not applicable in the earlier versions of the zoning code but the current code sets the maximum at 10%. The lot coverage currently is at 14.1% so a variance is granted to 14.8% coverage which would be a variance of 4.8%. Based on the setback of this house and the amount of driveway that is eating up a lot of lot coverage, this gives a little bit of freedom to the applicant in the event that he wants to put something minor as to an addition on his property.

Motion BZA 2020-4 – 17930 Elliott Drive - Continued

Based on the following findings of fact:

1. The reason for granting these variances is that it is a pre-existing house that the applicant recently purchased and did not build and has not made any modifications to it since acquiring the property.
2. The setback approvals on this apparently were approved by a previous zoning inspector for Bainbridge Township however there is a need to do some housekeeping to get this to comply with required setbacks under today's standards.
3. It is apparent that under the previous application and zoning certificate that the house was not built exactly dimensionally with setbacks as the zoning certificate did approve.
4. There is a practical difficulty, again this house is pre-existing and the applicant has made no changes to it, this is more of a housekeeping effort.

Mr. Gutoskey seconded the motion.

Vote: Mr. Barr, aye; Mr. Corcoran, aye; Mr. Gutoskey, aye; Mr. Lewis, aye.

Application 2020-5 by Paul and Rachel Bauccho for property at 8559 Beacon Hill Drive

The applicants are requesting area variances for the purpose of allowing a pavilion, hardscaping, shed, above ground swimming pool and deck as constructed. The property is located in a R-3A District.

Mr. and Mrs. Paul Bauccho were present to represent this application.

Mr. Lewis said apparently you are here because you were notified by the township of some structures on your property and we need to talk about that. He said because everything is built and we've got photographs and the zoning inspector has done a site walk with you and he wants to make sure that what we also have with the site plan is current, there seems to be an abundance of structures and a lot of additional lot coverage going on.

Mr. Bauccho testified by saying yes.

Mr. Lewis asked Mr. Bauccho what business he is in.

Mr. Bauccho said he does residential light flooring and some tile work, interior stuff like that.

Mr. Lewis asked Mr. Bauccho if he has ever worked in other communities where a building permit has been required by the general contractor.

Mr. Bauccho said he has never had to pull a permit, essentially for his kind of work, people are not generally needing permits, he is not changing anything other than aesthetics usually.

Mr. Lewis asked any new construction where you were the sub, you are kind of remodeling and refreshing.

Mr. Bauccho said yes.

Mr. Lewis said there seems to be a lot going on on your property that really shouldn't be.

Mr. Bauccho said we did a lot of work.

Mr. Lewis said let's go through this. He asked Mr. Bauccho when he bought this property.

Mr. Bauccho said 17 years ago.

Mrs. Rachel Bauccho testified that they bought it in November of 2002.

Mr. Lewis said you have been out here awhile.

Mrs. Bauccho said they love it.

Mr. Lewis said in looking at some of the historical photos, we are looking at the property, this seems to be before the pavilion starting in November of 2003.

Mr. Bauccho said the shed was always there. He said to his knowledge, the guy that or whoever put the barn up or permitted the barn, it was probably done at the same time, he doesn't know why it wasn't in there because it was in the drawing when he bought the house.

Mr. Lewis asked Mr. Bauccho what he added.

Mr. Bauccho said he added the patio and the deck, the landscaping obviously was last summer.

Mr. Lewis said the patio and the deck and the pool.

Mr. Bauccho said yes, he didn't put it in himself.

Mr. Lewis said it is not so much who did the work but the changes you (Mr. Bauccho) made to the property.

Mr. Bauccho said yes.

Mr. Lewis said it looks like there are two sheds.

Mr. Bauccho said the barn essentially, you can see it right there, he referred to the aerial photo, and that was the shed that was always there so it was basically dilapidated, wood bees and everything so he made it nicer but he didn't change the setback, it is no closer to the side lot line.

Mr. Gutoskey asked if he built it the same size that was originally there.

Mr. Bauccho said it is a little more forward but it is on the same piece of concrete that it was always on.

Mr. Gutoskey said but it didn't get bigger than what it was, that was the question he was asking.

Mr. Bauccho said it is a couple of feet bigger where the door is at, it didn't get any wider, he didn't push it toward his neighbor's yard.

Mr. Lewis said we have two areas and actually three areas with an accessory building we have to consider. He said the first one is that an accessory building is like any other structure, we have a 50' side yard requirement, secondly it cannot exceed 15' tall and third a footprint no larger than 300 sq. ft. He said if you go beyond any of those three criteria before you build you would be required to come before the board of zoning appeals and seek a variance.

Mr. Bauccho said when she told him about lot coverage he didn't even know what she was saying. He said the pavilion, the roof essentially is yes, it is a 20' x 26' roughly but the walkway is really all pebbles and walkway stones.

Mr. Lewis said we are working on the structures first.

Mr. Bauccho said okay.

Mr. Gutoskey said the shed that is all the way in the back.

Mr. Bauccho asked the barn.

Mr. Gutoskey said yes, the barn, that is 720 sq. ft.

Ms. Karen Endres, Zoning Inspector testified that it does have a permit.

Mr. Gutoskey asked if it is the 720 sq. ft. barn.

Ms. Endres said she believes so.

Mr. Gutoskey said then the next one is the shed, it says it went from an 8' x 8' to a 10' x 16', does that sound right.

Mr. Bauccho said it is about that yes. He said it was never an 8 x 8, it is a mistake on there because he didn't make it any bigger so he knows that was wrong when he bought the house, the sheet that it says that on.

Mr. Gutoskey said that is what he is looking at.

Mr. Bauccho said that was always wrong and he brought his neighbor so he can corroborate what he was telling you because he has been here longer than he has.

Mr. Gutoskey asked Ms. Endres to go on ReaLink and go back to 2002 or 2000. He said that shows a shed there with a concrete pad in front of it. He asked what the 2006 shows, does it look about the same.

Mr. Lewis said but the pool is there.

Mrs. Bauccho said it is a trampoline.

Mr. Gutoskey asked Ms. Endres if that is the 2006.

Ms. Endres said this is 2006 right now.

Mr. Gutoskey asked Ms. Endres to go to 2008. He said it looks the same. He asked Ms. Endres to go to 2010. He asked about the deck.

Mr. Bauccho said that is the brick patio that is underneath the pavilion.

Mr. Gutoskey said to go up one more and added that the shed looks like it got bigger.

Mr. Bauccho said the tree is gone so he thinks that might be why it looks different.

Mr. Gutoskey said so basically the shed in the back and the house has been permitted.

Ms. Endres said correct and there are some additions to the house over the years too that also have been permitted.

Mr. Gutoskey said he saw that on here.

Ms. Endres explained the additions and said there is paperwork in the file relative to those additions so the house does have all of its permits.

Mr. Lewis said the house has permits but the accessory structures do not.

Ms. Endres said except for the barn.

Mr. Lewis said it is pre-existing.

Mr. Bauccho said he thinks there used to be horses in it.

Mr. Lewis asked what else the board is observing.

Mr. Gutoskey said multiple structures.

Mr. Lewis said here is a big one for you, in our code 135.03(b), he will read this phrase "The number of detached accessory buildings on a lot shall be limited to two or a total lot coverage of 10% whichever comes first." He said an example might be if you have a big house and maybe a real long driveway and you are at 9.8% lot coverage you may not have room to put an accessory structure on, even though you are permitted to but you are going to get to 10%. He said you are over on lot coverage, you are over on accessory structures, we have no variances, no building permits and unfortunately it wasn't just one structure going up one time, it has been multiple things going in over a period of years.

Mr. Bauccho said if he had known lot coverage was a thing he would have most certainly slowed that.

Mr. Lewis said you have too many accessory structures and that presents a big dilemma right off the bat, you are over the limit.

Mr. Gutoskey said if the pavilion was connected to the house, it wouldn't count as a structure but it would be over lot coverage.

Mr. Lewis said if it was attached to the house it would be an addition, not an accessory structure, right now it is standalone, right.

Mr. Bauccho said yes.

Mr. Lewis said it is not physically connected by more than just a two by four.

Mr. Bauccho said no.

Mr. Gutoskey asked Mr. Bauccho where his septic system is.

Mr. Bauccho referred to the aerial photo and said it is the little circle, that is his main tank.

Mr. Gutoskey asked where the septic lines are, after it goes from the septic tank it goes to the leach fields.

Mr. Bauccho said they put an aeration system in so it just goes straight out that way, the deck is this way of the line, it goes that way and then it goes to the aeration tank and filter and pump tank and he has a sand filter. He said when they bought the house they had to do that.

Mr. Gutoskey said he was wondering if any of this was built under that pad but it is not a problem.

Mr. Bauccho said it is not.

Mr. Gutoskey asked if there is anyone in the audience who would like to speak on this.

Mr. Jon Bruce testified that he lives at 8573 Beacon Hill Drive.

Mr. Lewis asked Mr. Bruce where his property is located.

Mr. Bruce said directly to the east.

Mr. Lewis asked if he has the house with the brown roof.

Mr. Bruce said yes.

Mr. Lewis asked Mr. Bruce if he had any comments.

Mr. Bruce said he does not have any issues with what goes on there, that shed was built back in the mid-eighties and the small shed was there already in existence so that shouldn't be a problem but he doesn't have any problems with what is up there.

Mr. Lewis told Mr. Bruce that he appreciates his comments. He said the official position is you are allowed two and you are over in lot coverage and you have three and the pavilion is not connected to your house so it is not part of an addition and when you do an addition you need to also produce building prints, the normal inspections that there may be with electrical and water and safety and fire so the easiest thing is which one of the three is going to go away.

Mr. Baucio said he doesn't know but if he has his choice then the barn would have to go because he put a considerable amount of work in and he understands that he screwed up 100%, he didn't realize what he needed to do and he just did it anyway but he put an enormous amount of money and time into that himself and it is not something he can get back, he doesn't make a million dollars a year.

Mr. Lewis said he understands.

Mr. Baucio said he is a blue collar worker and if he had to wreck something then he guesses he would take the barn out.

Mr. Lewis asked Mr. Baucio what he is doing in the barn.

Mr. Baucio said it just holds all of his chairs and mowers, storage and in his house he doesn't have storage, he has two closets in his house and that is not counting the ones in the bedrooms, there is no storage in that house which is kind of why originally they decided to do stuff outside because there is nowhere to have people over and he honestly didn't think that coming out here and having that much land that that was an issue and being it not connected to the house he never realized that it even mattered. He said now he absolutely does and it will never happen again even though he is not putting anything else on his lot.

Mr. Lewis said if you wanted to add more, you are over your lot coverage.

Mr. Baucio said he understands.

Mr. Lewis said and what you've done to make your backyard very livable and enjoyable, you have just got too many buildings on it.

Mr. Bauccho said what if we took the pavilion and did connect it into the house almost with a dormer coming off that back section and connecting it into the roof, is that a possibility then he doesn't have to take out his barn that he uses essentially for storage.

Mr. Lewis said we just have to be really sure that it is done the right way because the minute you attach it to your house as an addition, structural soundness, building permits, it is different than throwing up a pole barn or a shed that nobody is going to inhabit, now it is actually part of your house.

Mr. Bauccho said he doesn't have a problem with somebody coming over and looking at what was done, that stuff is built exceedingly, everything that was done on that property was built exceedingly.

Mr. Lewis asked Ms. Endres if she had any comments on attaching the pavilion as an addition.

Ms. Endres said the building department would get involved with that inspection and she would expect you would have to draw up plans showing how the roofs met and then the building department would need to come out and do an inspection, she is not a building inspector so she is not sure what all they would look at, she knows with commercial buildings they look at snow load and that sort of thing, they may take a look at the pavilion as a whole then also to make sure it complies with their standards. She said it didn't get a building permit when it was built either so they will probably look at the whole pavilion but if it was connected and became an addition it would eliminate one of the variances.

Mr. Gutoskey said the lot coverage is a little higher because there are some subdivisions in Bainbridge where the acreage is calculated to the center of the road and this is one of them so he calculated 13.04% is what the lot coverage would be just by taking out the 150' x 30' of the right-of-way.

Mr. Lewis said so maybe the direction to consider before we start making motions, we are going to get the rest of the board to weigh in as well to maybe approach this in a positive manner so that it is not appearing as just a big reprimand, he thinks we have all acknowledged the obvious and it appears that it wasn't you showing any kind of a blatant disregard of our zoning, it was just flat out being unknowing and a bit naïve and trying to improve your quality of life at your house so once it is time to do the motions, trying to take a positive approach, he is thinking the strategy would be, you've got 90 days to submit plans and engage the township and building department, if you haven't done so in 90 days, by the 120th day within 30 days thereafter one of those buildings is going to have to come down.

Mr. Lewis continued by saying this way what we do is we come up with a positive solution but if you don't act on it and then we are going to want construction to be completed by August 30th in six months that way you have time to manage your funding and you are going to go into the warmer, better building season, you can shop contracts or figure out who is going to do what and maybe we've got a workable solution to kind of clean it up without causing you a whole lot.

Mr. Bauccho said he doesn't know if taking the barn out is feasible.

Mr. Lewis said he thinks that is now plan B, he thinks plan A is to keep everything you have and make your pavilion an addition so we finish up tying it to the house. He asked if the pavilion has electricity in it now.

Mr. Bauccho said yes, there has always been power out there.

Mr. Lewis said once you tie it to your house with inspections they may be looking also at the sub-panel and breakers that feed it because it is going to have to pass building inspections but that is for your protection and safety, that is why those folks are there.

Mr. Bauccho said he understands.

Mr. Lewis asked if anyone else on the board has comments.

Mr. Barr asked what is in the little light green building with the white door with a surfboard on it.

Mr. Bauccho said that is the shed, he uses it as his changing room, that is the shed we were talking about on the side lot.

Mr. Barr said it looks different here, he is looking at these pictures, he is looking at the pictures that Ms. Endres just took, is it white.

Mr. Bauccho said it is like a green, we have an island theme going on in the backyard.

Mr. Lewis asked if there are four buildings, the green one, the pavilion, is the white one the barn.

The board discussed the buildings.

Mr. Lewis said he is looking at the same building with two different angles. He said on this shed that is real close to the property line, it is 9' off, do we need any screening on that because it is only 9' off.

Mr. Bruce said it is okay.

Mr. Lewis said he appreciates that you are okay but part of what we do is to make sure that the adjacent property owner, that would be present and future, is not adversely affected so if you ever change your residence in maybe 70 or 80 more years and you are not there and somebody else owns that property and you would feel the same way if somebody is putting something up next to you that you want to make sure and it also doesn't hurt when you sell your property and this shed is 9' off of the property line and every time you go out on your patio you are looking at it so that is one of the things we need to take into consideration.

Ms. Endres displayed the lot on the aerial photo.

Mr. Barr asked who Jayme Kollman is.

Mrs. Bauccho said that is our neighbor.

Mr. Gutoskey asked if the Pine trees are on the property to the east on the adjacent lot.

Mr. Bauccho said yes.

Mr. Gutoskey asked what is toward the front of the lot.

Mr. Bauccho said Pine trees.

Mr. Gutoskey said he thinks the shed is pretty well blocked from the road and the adjacent property.

Mr. Bauccho said yes.

Mr. Bruce said there is actually a double row of Pine trees.

Mr. Lewis said we are okay on the height on the accessory buildings. He asked if the board has to do any housekeeping on the back barn with rear and sides.

Ms. Endres said it does have a permit but without a survey she is not sure if they really built it according to the plan.

Mr. Gutoskey said it ties to the mortgage ID.

Mr. Lewis said he was just wondering if that one is already there and it doesn't meet code, do we clean it up now while we are doing this.

Ms. Endres said the original zoning certificate for that barn, it was for a 24' x 24' barn and the east side setback is supposed to be 25' and the rear yard is 25', that was what was approved back in 1974.

Mr. Gutoskey said it looks like it is 24' x 30'.

Mr. Bauccho said he thinks it is roughly that.

Mr. Barr asked if they have a sauna in the back too.

Mr. Bauccho said it is in the shed.

Mr. Barr asked if it is in the changing room shed.

Mr. Bauccho said yes. He said it is a plug in type infrared.

Mr. Barr asked if there are any additional bathrooms.

Mr. Bauccho said there is a bathroom in there, there was always one in there, there was electrical and plumbing and he is pretty sure the electrical, whoever built that originally went kind of out of the house and there is a panel going to the barn, that has had that stuff in there.

Mr. Barr said it had a bathroom in it.

Mr. Bauccho said yes, he redid it, he had to make it nice, it was getting kind of dilapidated and nasty, he wouldn't let his dogs take a bath in there.

Mr. Barr said he assumed the shed was for lawn mowers but to have a bathroom in there so close to the house.

Mr. Bauccho said it was a little spigot shower type thing and a toilet.

Mr. Barr said to wash the kids off before they come in the house.

Mr. Bauccho said pretty much yes. He said when they put the pool in he figured he would make it a little nicer so people wouldn't have to trample through his house.

Mr. Barr said that makes sense.

Mr. Lewis said with that barn in the back that is 12.4' off the side yard and 46.7' off the back, under today's standards it should be 50' and 90'.

Ms. Endres said correct.

Mr. Lewis said so he is thinking to do a little housekeeping on that item.

Ms. Endres said she didn't write that up, she just let it go. She said if the board wants to deal with that it is fine, this was so complicated already she didn't want to make it worse for the board.

Mr. Lewis said he thinks we are fine doing it as long as we are doing full housekeeping on the property, now we have a current piece of history and a good document to refer to and it also means that if you folks go to sell this house you don't have stuff that shouldn't be there that is going to hold up the sale and the banks and the titling and all of that other stuff, let's dress it up while we are doing it.

Mr. and Mrs. Bauccho said they agree.

Mr. Bauccho said he doesn't want any issues.

Mr. Lewis said he has a question on the barn, he knows it is 24' x 30' but he doesn't know how tall it is.

Mr. Bauccho asked to the peak, maybe 12'.

Mr. Lewis said the limit is 15' and asked if it is under 15'.

Mr. Bauccho said oh yes, it is between 11' and 12' and there is not a second floor on it, you can't stand up in there and he hasn't touched that barn since he had a new roof put on it, a tree fell on it but it wasn't roofing material on the barn.

Since there was no further testimony, this application was concluded.

Motion BZA 2020-5 – 8559 Beacon Hill Drive

Mr. Lewis moved to grant the applicants the following variances:

1. A variance for an increase in lot coverage from 10% to 13.1% for a variance of 3.1%.
2. The accessory structure, the shed, on the east side of the property which is 10' x 16' to grant a variance for the side yard setback from the minimum required of 50' to 9' for a variance of 41'.
3. With respect to the barn at the rear of the property the board grants a side yard setback variance from 50' to 12.4', a rear yard setback variance from 90' to 46.7' and a variance for the size of that structure from the maximum size permitted of 300 sq. ft. to 720 sq. ft. for a variance of 420 sq. ft.
4. With respect to the deck and above-ground swimming pool, a variance of 21' locating it 29' off the side yard for a 50' requirement.

Based on the following findings of fact:

1. A practical difficulty exists because the lot is 1.5 acres and when the applicant bought the property there was already a pre-existing storage barn of 720 sq. ft. in the rear corner of the property that does not meet the zoning standards with side, rear or size so in that case the property owner rather inherited that condition.
2. With regards to the pavilion, the shed, the hardscaping, the pool and the deck, the applicants did improve their property however all of these improvements other than the replacement of the shed in a footprint that was pre-existing, all of these improvements were done without zoning variances and without building permits.
3. The applicants have agreed that since they have exceeded the amount of accessory structures they are limited to which is a quantity of two and they have three that they will take their large, adjacent to the house, pavilion structure and with approved construction permits and inspections will attach and tie that onto the house as an addition.
4. The applicants have agreed to initiate that endeavor with the Geauga County Building Department and other affected agencies including zoning and they would initiate submittals of this improvement within 90 days of today. The board will be approving the minutes in one month so the applicant has 90 days to get that initiated. Construction of that needs to be completed by August 30, 2020. Should the applicant not proceed with tying the pavilion to the home as an addition, in 90 days, in 120 days the barn in the back corner will be torn down and removed.
5. The applicants have also been made aware that they are over their lot coverage as they stand today and have been advised that they will not build anything additionally on the property other than the construction needed to tie the pavilion to the house as an addition.

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. Corcoran, aye; Mr. Gutoskey, aye; Mr. Lewis, aye.

Since there was no further testimony, the public hearing was closed at 8:20 P.M.

Respectfully submitted,

Brent Barr, Alternate
Michael Corcoran
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: April 16, 2020

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
February 20, 2020

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:20 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Michael Corcoran and Mr. Joseph Gutoskey. Mr. Ted DeWater and Mr. Michael Lamanna were absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Lewis moved to adopt the minutes of the January 16, 2020 meeting as written.

Mr. Gutoskey seconded the motion.

Vote: Mr. Barr, aye; Mr. Corcoran, aye; Mr. Gutoskey, aye; Mr. Lewis, aye.

APPLICATIONS FOR NEXT MONTH

Application 2019-44 by Kelly's Working Well Farm dba Chagrin Valley School for property at 16519 South Franklin Street – Continuance

The applicant is alleging error by the zoning inspector. The property is located in a R-3A District.

Application 2020-2 by Steven and Clare Bozarth for property at 17188 Sunset Drive - Continuance

The applicant is requesting area variance(s) for the purpose of constructing a shed. The property is located in a R-3A District.

Application 2020-6 by New Wembley LLC for property at 8345 Woodberry Boulevard

The applicant is requesting a modification of a previously approved requirement. The property is located in a R-3A District.

Application 2020-7 by Frank Simcic for property at 18813 Chillicothe Road

The applicant is requesting area variance(s) for the purpose of constructing a detached garage. The property is located in a R-3A District.

Application 2020-8 by Emeil Soryal for property at 8866 Taylor May Road

The applicant is requesting area variance(s) for the purpose of constructing an attached garage. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for March 19, 2020 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Brent Barr, Alternate
Michael Corcoran
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: April 16, 2020